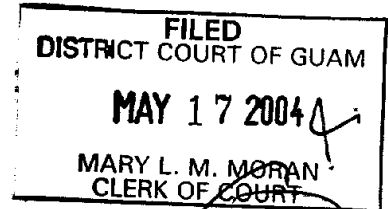


DISTRICT COURT OF GUAM



ALAN SADHWANI, LAJU  
SADHWANI, and K. SADHWANI'S  
INC., a Guam corporation,

Plaintiffs,

v.

THE HONGKONG AND SHANGHAI  
BANKING CORPORATION, LTD., et al.,  
Defendants.

CIVIL CASE NO. 03-00036

**DECLARATION OF PHILIPPINE  
LEGAL COUNSEL IN SUPPORT  
OF MOTION TO VACATE  
SCHEDULING ORDER AND  
VACATE TRIAL DATE**

**I, JOSE GERMAN LICUP, do hereby declare and state as follows:**

1. I am the General Counsel of Defendant The Hongkong and Shanghai Banking Corporation Limited, a banking corporation with limited liability incorporated under the laws of Hong Kong, SAR, in the Philippines and I have been a member of good standing of the Philippine Bar since 1992 and authorized to practice law therein.

2. I am over 18 years of age, and competent to testify on the facts stated below and I do so to the best of my own personal knowledge.

3. The Philippines is not a party to the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters.

4. The taking of the testimony of an unwilling witness and other evidence in relation to a case pending before foreign courts may be given due course in the Philippines by Philippine courts pursuant to a letter rogatory issued by a judicial authority of the United States of America, on the basis of reciprocity and judicial comity but subject to such rules laid down by Philippine judicial authorities.

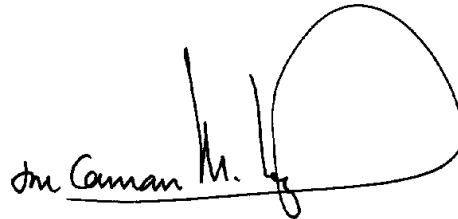
5. The letter rogatory should be transmitted to the Executive Judge of the Regional Trial having jurisdiction over the place where the witness may be found.

**ORIGINAL**

6. Based on experience in similar matters, it can take three to four months to process a letter rogatory.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

**EXECUTED** this 7<sup>th</sup> day of May 2004.

A handwritten signature in black ink, appearing to read "Jose German M. Licup", with a large, stylized loop at the end.

JOSE GERMAN LICUP  
General Counsel  
The Hongkong and Shanghai Banking  
Corporation Limited – Manila Branch  
8<sup>th</sup> Floor, The Enterprise Center Tower I  
6766 Ayala Avenue, 1200 Makati City  
Metro Manila, Philippines